

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

MINUTE ORDER

FIDELITY AND DEPOSIT COMPANY OF
MARYLAND,

V.

CIVIL ACTION NO: 5:2003-CV-0604
(NAM/GJD)

TELMARK, LLC, ET AL.

The Court having been advised that the parties have voluntarily stayed the above entitled action because the dispute between them may be substantially narrowed in the bankruptcy proceedings of Agway, Inc., the parent company of the defendants, it appears at this time that there is no current reason to maintain this action on the open docket for statistical purposes.

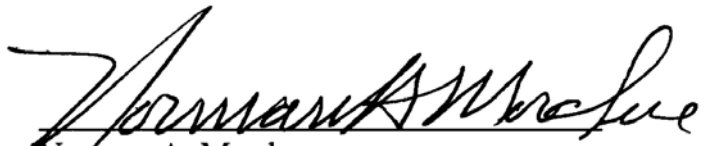
IT IS HEREBY ORDERED THAT: the Clerk of the Court is instructed to submit a JS-6 (using Statistical Code 18) to the Administrative Office of the U.S. Courts.

The parties are advised that nothing contained in this minute order shall be considered a dismissal or disposition of the above entitled action, and should further proceedings in it become necessary or desirable, any party may reopen the action by advising the Court in writing that the above entitled action should no longer be stayed.

Upon notification to reopen the action, the parties are directed to request a Rule 16 conference with the Court so that a new scheduling order can be issued.

The clerk of the Court is directed to serve a copy of this order on all parties to the action.

Dated: November 18, 2005


Norman A. Mordue
U.S. District Judge